

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

RUSSELL JOSEPH STAUFFER,)	
Petitioner,)	
v.)	C.A. No. 13-155 Erie
)	
BRIAN COLEMAN,)	
Respondent.)	

MEMORANDUM ORDER

This petition for writ of habeas corpus was received by the Clerk of Court on June 7, 2013, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The magistrate judge's report and recommendation, filed on September 24, 2013, recommended that the petition for writ of habeas corpus be dismissed for lack of jurisdiction and that a certificate of appealability be denied. The parties were allowed ten (10) days from the date of service to file objections. Service was made on Petitioner's counsel electronically. No objections were filed. After de novo review of the petition and documents in the case, together with the report and recommendation, the following order is entered:

AND NOW, this 15th Day of October, 2013;

IT IS HEREBY ORDERED that the Petition for Writ of Habeas Corpus is DISMISSED for lack of jurisdiction. It is further ORDERED that a certificate of appealability is DENIED.

The report and recommendation of Magistrate Judge Baxter, dated September 24, 2013, is adopted as the opinion of the court.

s/Nora Barry Fischer
NORA BARRY FISCHER
United States District Judge

cc: Susan Paradise Baxter
U.S. Magistrate Judge

all parties of record _____